

Notice of Allowability

Application No.

09/821,188

Examiner

Asad M. Nawaz

Applicant(s)

PATIL, MANOJ

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after final amendment filed on 8/10/05.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ The drawings filed on 29 December 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date hereto.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Bharat Barot
BHARAT BAROT
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Guy Gossnell (Registration Number 34,610) on 8/18/05.

The application has been amended as follows:

Claims 1-8 have been replaced with the following amended claims 1-8:

1. (Currently amended) An information control device to provide for the selection of bearer services for sending data over a network comprising:

a server for retrieving a tagged document comprising: (i) a plurality of bearer services tags having type indications that indicate different preferred bearer services for different portions of the tagged document and a plurality of service parameters associated with the preferred bearer services; and (ii) data to be sent by the preferred bearer service services indicated by said bearer services tag tags,

wherein the server ~~is also capable of thereafter transmitting~~ transmits the different portions of the data by different the bearer services in accordance with the plurality of bearer services tags.

2. (Currently amended) The information control device of claim 1, wherein the at least one of the plurality of bearer service services is GSM.

3. (Currently amended) The information control device of claim 1, wherein the at least one of the plurality of bearer service services is TDMA.

4. (Currently amended) The information control device of claim 1, wherein the at least one of the plurality of bearer service services is WCDMA.

5. (Currently amended) A method for selecting a preferred bearer service to transmit data over a network comprising the steps of:

retrieving a tagged document with content from a server;

searching for bearer services tags associated with the tagged document which identify a bearer service for which the content is best suited;

identifying a plurality of bearer services tags associated with the tagged document which identify different preferred bearer services for different portions of the document;

and

sending the content using the bearer service services identified by said tags. wherein sending the content comprises sending the content of different portions of the document by different bearer services in accordance with the plurality bearer services tags.

6. (Currently Amended) The method of claim 5, wherein the at least one of the plurality of bearer service services is GSM.

7. (Currently Amended) The method of claim 5, wherein the at least one of the plurality of bearer service services is TDMA.

8. (Currently Amended) The method of claim 5, wherein the at least one of
the plurality of bearer service services is WCDMA.

EXAMINER'S REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: Claims 1-8 are allowed. The prior art of record, i.e. Coan et al USPN 6584321 taken individually or in combination, fails to teach a plurality of tags within a document indicating a preferred bearer service and sending the content of different portions of the document by different bearer services in accordance with the plurality of bearer service tags when taken in context of the instant application. More specifically, the feature of transmitting the content using bearer services identified by the said identified tags in an environment that relates to data transfer systems and in particular to a means for identifying data so that most efficient service may be used for transfer of the data in a communication system, as presented in independent claims 1 and 5, is distinguished over prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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